



LECC TODAY

"a newsletter for cooperative law enforcement in South Carolina"

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Law enforcement partnerships = successes

January 2005 brought a period of transition in the United States Attorney's Office in South Carolina. Strom Thurmond, Jr. resigned his position as the U.S. Attorney effective January 20, 2005, to enter the private practice of law and spend more time with his family. I congratulate Strom on a successful stint as U.S. Attorney and wish him the best of luck in all of his future endeavors. First Assistant United States Attorney Scott Schools accepted a two-year detail to the Executive Office of United States Attorneys (EOUSA) in Washington, D.C. to serve as that agency's General Counsel. The U.S. Attorneys Office has missed Scott's tremendous leadership and management skills and we look forward to his return to the district in the future.

Attorney General Alberto Gonzales appointed me to serve as the U.S. Attorney on an interim basis pending Senate confirmation of a presidentially-appointed U.S. Attorney. I have had the privilege of serving in this role for the past year and have witnessed first hand many extraordinary law enforcement successes throughout the state of South Carolina at all levels. Serving as the U.S. Attorney has strengthened my belief that effective communication and cooperation among law enforcement agencies at every level are critical if we are to achieve the goal of every law enforcement agency throughout the state - improving the quality of life for the citizens of South Carolina. This issue of LECC TODAY contains several articles that highlight various successes that reinforce the importance of coordinating efforts and combining resources at the federal, state and local levels.

The successes throughout 2005 involved

cases prosecuted in all three sections within the criminal division - violent crimes; narcotics; and general crimes. Project CeaseFire continues to be the cornerstone of our efforts throughout the state to prosecute repeat violent offenders. Working with local law enforcement agencies and solicitors' offices, the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) continues to identify and target felons with firearms for prosecution in federal court. CeaseFire's hard line approach against gun criminals gets the offenders off the street and thereby results in safer communities. A number of CeaseFire-related cases were tried last year, including violent Hobbs Act armed robberies in Charleston, Mullins, and Conway, as well as a murder outside of a nightclub in Sumter. Other successful violent crime prosecutions included the district's first prosecution under the federal Interstate Domestic Violence Act, a case in which a man kidnapped his estranged wife at gunpoint in Chesterfield County and

(Continued on page 2)

Inside . . .

- **Legal Notes** p. 3
- **Victim-Witness Column** p. 5
- **Featured Agency-- York County Multijurisdictional Drug Enforcement Unit** p. 6
- **State, Local, & Federal Cooperation** p. 8 & p. 9
- **Asset Forfeiture News** p. 10
- **LECC Activities** p. 12

Also inside . . .

- **2004 Strom Thurmond Awards for Excellence in Law Enforcement** p. 3
- **Project SeaHawk** p. 4
- **Aggravated Identity Theft** p. 7
- **Intelligence Quick Start Training Available to SC Law Enforcement** p. 11
- **2005 Strom Thurmond Awards for Excellence in Law Enforcement** p. 11

Message

(from page 1)

and drove her into North Carolina where he pistol whipped her and tried to kill her. A Russian emigre living in Charleston was convicted in a murder-for-hire scheme in which the defendant attempted to hire a hit man in Atlanta to kill her former boyfriend and business partner. A complex interstate sale of machine guns over the internet case garnered extra attention because one of the defendant's defrauded customers was Steven Tyler of Aerosmith fame. In Greenville ATF, SLED and Greenville County Sheriff's Department investigators saw two years of tireless effort result in an indictment of Eric Hans in the January 2004 arson of the Comfort Inn off of I-385. Six people were killed and eleven critically injured during the fire. The case will be tried in 2006 and may be the district's second federal death penalty case.

The district continued to aggressively prosecute large-scale drug trafficking organizations throughout South Carolina. In Columbia, AUSAs from both the narcotics and violent crimes sections teamed with FBI, DEA, IRS, SLED, City of Columbia and Richland County Sheriff's investigators to charge more than 100 defendants in the "Operation Arrango/Greene Street" OCDETF investigation. As a result of this prosecution, drug organizations plaguing three separate communities were dismantled and one of Columbia's most notorious and longstanding drug lords (Poncho Garrick) with links to the Gulf Cartel was taken down. We obtained convictions in three separate drug-related murders in cases stemming from killings in Rock Hill, Aiken and Newberry. All three cases involved coordinated investigative efforts between federal and local law enforcement agencies. In Greenville, agents tracked drug fugitive Tremayne Graham (the former son-in-law of the Mayor of Atlanta) to a house in California where more than 200 kilograms of cocaine and \$1.8 million in cash were seized. Graham and his co-defendants in our federal

SC indictment are believed to have links to the Black Mafia Family, a major national drug trafficking gang. In Charleston, our office continued to concentrate on organized drug dealing related to the International Longshoreman's Association and the Port of Charleston, charging and convicting in excess of 25 defendants in OCDETF Operations "Perfect Storm" and "Checkmate." Working closely with DEA and local law enforcement agencies, our office greatly expanded the number of methamphetamine manufacturing and distribution prosecutions in 2005 throughout every region in South Carolina. Methamphetamine poses significant problems to communities throughout our state and we will continue to vigorously prosecute those that engage in the illegal manufacturing and distribution of this poison.

The general crimes section was extremely active in 2005 on several fronts. Our district participated in the conviction of Evergreen International, a worldwide container shipping corporation, for falsifying oil pollution records while its vessels were in U.S. waters, including the port of Charleston. Evergreen pled guilty and paid a \$25 million penalty, the largest penalty ever assessed in a case of this type. Convictions were also obtained in the Crossings Development case in which private developers destroyed wetlands in the Midlands. Greenwood Doctor Ronald McIver was found guilty of illegal prescription drug distribution which led to the death of one of his patients. In Charleston, WebMD subsidiary Medical Manager is the largest corporate accounting fraud case ever handled by this office. To date, the investigation and prosecution have netted five convictions for mail fraud and tax evasion. A multi-count ten defendant indictment was true billed by a federal grand jury in December 2005 and a lengthy trial is expected later this year. In other cases, crooked investors, lawyers, appraisers, brokers and lenders were successfully

prosecuted and sent to prison throughout the year. Computer crimes were vigorously investigated by law enforcement agencies at the federal, state, and local levels and prosecuted in all four of our branch offices. These crimes included child pornography, identity fraud, and a myriad of other illegal usages involving computers.

During FY 2005, more than 3,000 law enforcement officers, school personnel and social services employees attended 16 LECC related activities. In January 2005 we held our first LECC Executive Level Law Enforcement Training at the NAC where 87 state and local law enforcement executives attended a one-day "Media Training for Law Enforcement" seminar. In keeping with the Department of Justice's and the district's number one priority, we sponsored several antiterrorism training events throughout the year. We included training in the areas of methamphetamine and other narcotics, safe schools, Project CeaseFire, and management-related issues. As a result of LECC Coordinator Becky Plyler's dedication and leadership, we partnered with more agencies at all levels of government in 2005 than at any other time in the history of the LECC.

Lastly, I want to thank the men and women of the law enforcement community in South Carolina. My term as the interim U.S. Attorney is coming to a close. It has been a great honor and privilege to serve in this capacity largely in part because of the opportunity to work and to get to know so many you that have dedicated your lives to serving your fellow South Carolinians. May God continue to bless you and your families.



2004 Strom Thurmond Awards for Excellence in Law Enforcement



On behalf of the Strom Thurmond Foundation, United States Attorney J. Strom Thurmond, Jr., United States Senator Lindsey Graham, and Honorable William W. Wilkins, Jr., Chief Judge of the 4th Circuit Court of Appeals, presented the 2004 Strom Thurmond Awards for Excellence in Law Enforcement to four South Carolina law enforcement officers whose performances demonstrate the highest ideals in law enforcement during a luncheon at the Fort Jackson Officers' Club on January 19, 2005. Pictured from left to right: Honorable William W. Wilkins, Jr.; United States Senator Lindsey Graham; City Recipient - Captain Dave Henderson of the Greenville Police Department; State Recipient - Lieutenant Michael C. Bowman of the South Carolina Highway Patrol; County Recipient - Sheriff Leon Lott, Richland County Sheriff's Office; Federal Recipient - Special Agent Jeffery J. Bruning of the Federal Bureau of Investigation, and United States Attorney J. Strom Thurmond, Jr.

Legal Notes

United States Supreme Court Update

by Nancy C. Wicker, First Assistant U.S. Attorney and Chief, Criminal Division
U.S. Attorney's Office - Columbia

Federal Sentencing Guidelines Declared Unconstitutional -- At the time of our last publication, the United States Supreme Court had accepted two cases, *United States v. Booker* and *United States v. Fanfan* for expedited review in order to settle questions concerning the continued viability of the United States Sentencing Guidelines (Guidelines) after *Blakely v. Washington*. *Blakely* invalidated a

Washington state sentencing scheme that was similar to the Guidelines. Federal courts were far from uniform in their opinions of *Blakely*'s impact on the federal sentencing regime. In January 2005, the Supreme Court resolved the conflict among the federal courts. The majority of the Court held that the Guidelines were unconstitutional because they allow judges, not a jury, to find facts that increase a defendant's sentence above the otherwise binding guidelines range applicable based upon facts

found by a jury or admitted by a defendant. Such judicial fact finding violates the Sixth Amendment right to trial by jury. However, the Court further held that if the Guidelines were advisory and not mandatory, their use would not implicate the Sixth Amendment because judges have discretion to select a specific sentence and a defendant has no right to a jury determination of the facts that the judge deems relevant.

(continued on page 5)

Project SeaHawk

by Asst. U.S. Attorney Sean Kittrell
Director, Project Sea Hawk

Imagine a container, loaded with terrorists or filled with explosives. It is shipped from terminal to port to terminal, from a terrorist hot spot, through Italy, and into America. It has worked its way through the layers of security our government has established overseas. The container arrives in Charleston, South Carolina, on a ship hauling cargo around the world, with a conspirator on the vessel's crew. The conspirator has contacts in Charleston, the destination of the container. The contacts have been in place for years, waiting for this moment and that container. Such a scenario could happen in Charleston or any other major port city in the United States, but in Charleston, there is a group of dedicated personnel from federal, state, and local law enforcement, and first response agencies working as a last layer of protection. That group is the SeaHawk Task Force under the leadership of the United States Attorney's Office for the District of South Carolina. This pilot project was created by the United States Congress, after being crafted by Senator Ernest F. Hollings and funded through the Department of Justice's National Security and Anti-terrorism Unit in the District of South Carolina. It has been designated as a national model by Congress for interagency operations "for cities that experience heavy volumes of intermodal traffic by establishing a streamlined process to address criminal activity that may compromise or impede the movement of intermodal traffic within the United States."

At its core, the project operates on the premise that interagency cooperation, joint operations, unity of command, and the sharing of information and intelligence can provide a great deal of protection against acts of terrorism by having different agencies from all levels of government work under the umbrella of a Department of Justice strike team or task force. The goals are simple in concept: deterrence and

prevention of terrorist acts; the security of the port and transportation links; the unification of efforts among agencies; the sharing of intelligence, information and analysis; and the investigation and prosecution of federal criminal offenses which directly or tangentially impact the common security.

To achieve these goals, the SeaHawk Task Force has four major parts: *first* is the task force with participation by multi-jurisdictional, multiple agency land, marine and special units; *second*, an intelligence section which fuses data; *third*, a unified command for certain aspects of operational decision making; *fourth*, an operations center which displays images and data from various sensors, including land and sea radar, cameras, thermal imaging, intrusion detection devices, and radiological detection devices.

Simply put, SeaHawk has been designed to enhance security by increasing communications, establishing resource sharing, and increasing information and intelligence exchanges between numerous agencies.

The individuals working with Project SeaHawk have been specifically trained and certified for the task force and conduct proactive law enforcement activities to prevent and deter terrorism. The intelligence unit collects and analyzes information and intelligence from many sources to assess the potential threats and risks to transportation linkages, which may arise from cargo, personnel, crews, vessels, trucks, or trains.

The combination of information and intelligence with a unified command is what makes the project unique. Before SeaHawk was created, each agency held and used its own information and intelligence, rarely interacting and coordinating with other agencies. Under the SeaHawk concept, elements of data are evaluated in tandem. Thus, fragments of information, insignificant standing

alone, can be collated to determine if something unusual is occurring. The task force is prepared to respond and protect against terrorist threats or other criminal activity that threatens intermodal commerce and the community.

Because it is a task force, a bridge between different institutional cultures has been established, enabling components of the Department of Justice, the Department of Homeland Security, branches of the United States military, the United States Department of State, as well as local and state law enforcement agencies, health and safety departments, and national guard units to work as one.

The operational elements (and the heart of the task force) consist of federal, state, and local full time law enforcement officers. The federal agencies involved include the Department of Justice, Customs and Border Protection, Immigration and Customs Enforcement, Defense Criminal Investigative Service, and United States Coast Guard Investigative Service. The Federal Bureau of Investigation's Joint Terrorism Task Force is co-located with SeaHawk as is the United States Coast Guard's Situation Unit. The Surface Deployment and Distribution Command has also detailed a high ranking officer to the intelligence unit. The state agencies include South Carolina Law Enforcement Division and State Ports Authority Police Department. Local agencies include the Charleston County Sheriff's Office, Charleston County Emergency Management Division, and the City of North Charleston.

There are also a number of federal and state law enforcement and other agencies which assist on a part time or as needed basis including the Department of State Diplomatic Security Service, Internal Revenue Service, Dorchester County Sheriff's Department, Berkeley County Sheriff's Department, and Georgetown County Sheriff's Department. ■

U.S. Supreme Court

(from page 3)

District courts, while not bound to apply the Guidelines, must consult those Guidelines and take them into account when sentencing. Although the *Booker* decision as subsequently interpreted by the 4th Circuit in *United States v. Hughes*, led to the re-sentencing of defendants whose cases were on direct appeal, the result has usually been the pronouncement of the same sentence previously given. Thus, the net effect of federal sentencing under an advisory Guidelines scheme has been minimal in the District. Defendants whose cases have become final (i.e. there was no appeal or the appeal was decided prior to *Booker*) are not entitled to be resentenced. *United States v. Morris*.

Decisions Anticipated in 2006-- Although it is unlikely that any cases scheduled to be heard in the Supreme Court in 2006 will have the impact that the *Booker* and *Fanfan* decisions did, some may have significant impact on criminal procedure. The following decisions are expected this term:

Fourth Amendment -- Georgia v. Randolph: Whether or not one occupant can give valid consent for police to conduct a warrantless search of a residence when the other occupant is on the scene and objects.

Hudson v. Michigan: Whether evidence obtained in a warrant-authorized search after a violation of the "knock-and-announce" requirement is admissible under the inevitable-discovery exception to the exclusionary rule.

Sampson v. California: Whether the Fourth Amendment prohibits the police from conducting a warrantless search of a person who is subject to a parole-search condition, where there is no suspicion of criminal wrongdoing and the sole reason for the search is that the person is on parole.

Confrontation Clause – In 2004, the U. S. Supreme Court decided *Crawford v. Washington*, which held

that admission of testimonial hearsay in a criminal case violates the confrontation clause of the Sixth Amendment unless the defendant had some opportunity to cross-examine the person who made the statement. *Crawford* did not attempt to give a complete listing of what may be included within the category of testimonial statements. Rather, it specified that the term applies at a minimum to plea allocutions, grand jury testimony, prior trial testimony, preliminary hearing testimony, and police interrogations. Casual statements to an acquaintance, statements to a co-conspirator, and business records are not testimonial.

This term, the Court is expected to decide the following issues related to but not addressed in *Crawford*:

Davis v. Washington: Whether a victim's statements to a 911 operator naming her assailant, admitted as "excited utterances" under a hearsay exception, constitute testimonial statements subject to the requirements of the Confrontation Clause as announced in *Crawford*.

Hammon v. Indiana: Whether an oral accusation made to an investigating officer at the scene of an alleged crime is a testimonial statement within the meaning of *Crawford*.

One case from South Carolina is on the docket. The U.S. Supreme Court will hear *Holmes v. South Carolina* and decide whether the state's rule limiting a defendant's right to admit evidence of a third party's guilt violates the right to present a defense under the Due Process Clause and the rights to Confrontation and Compulsory Process. South Carolina requires that before a defendant can present evidence of a third party's guilt, the trial court must first find that the evidence, compared to the prosecution's evidence, creates a reasonable inference of innocence. A Defendant may imply the guilt of a third party during trial but he may not implicate a particular person unless there is specific evidence linking him or her to the crime. ■

Victim/Witness Column

When helping hurts the helper

by Sherie Carney, V/W Coordinator
U.S. Attorney's Office - Charleston Office

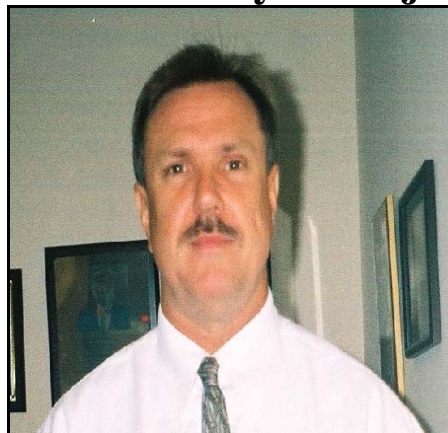
2005 will be long remembered as a year of natural disasters. First there was the Tsunami, then hurricanes Katrina, Rita, Stan, and Wilma. An earthquake in Pakistan claimed 40,000 with winter just around the corner. Twenty four/seven television coverage put these disasters into our living rooms. Law enforcement, firemen, and paramedics representing South Carolina volunteered to be first responders to at least one of these tragedies. There is a steep emotional cost to caring.

Compassion fatigue is a relatively new term referring to the cost of caring about and for a population who has been traumatized. The care givers contend with their own normal daily stressors in addition to the feelings of inadequacy for the inability to solve the overwhelming problems of the population who has experienced an enormous loss. Perhaps the most troubling emotions are the very characteristics that make you the best first responder. You care deeply and are a problem solver.

Compassion Fatigue and Burnout are often confused. Burnout is associated with workplace stress involved in your everyday duties. It is cumulative and predictable and those stressors can often be cured with some time away from the job. Compassion Fatigue is the result of preoccupation with the event and tension caused by the devastation of the disaster and the observation of the secondary traumatization. In other words, all of your senses are being assaulted by the devastation and you are absorbing the trauma.

There is a human cost to our first responders. Personal relationships can suffer, mistakes are more common, job performance may be affected, workplace morale may drop, sleep deprivation can occur. There is no single prescription for the pain that comes from helping others. Every first responder is a potential casualty. Helping hurts and sharing that hurt dignifies the feeling and shares the load. For more information go to www.giftfromwithin.org. ■

York County Multijurisdictional Drug Enforcement Unit



Marvin R. Brown
Commander
Your County Multijurisdictional Drug
Enforcement Unit

The York County Multijurisdictional Drug Enforcement Unit: what it is, why it is different, and what are the results. Commonly known as the DEU, the Narcotic unit is comprised of the Sixteenth Circuit Solicitor's Office, the York County Sheriff's Office, and the Rock Hill, York, Fort Mill, Clover, Tega Cay and Winthrop Police Departments.

York County is a large county in South Carolina located in the North-Central top of the state adjacent to Charlotte, NC. Unlike a task force that is generally formed to combat a specific problem for a limited time period, the DEU is a permanent full-time narcotic unit. All narcotic officers within the county work together in one unit. Prior to the DEU, just like many narcotic units throughout the state and nation, the local drug units were in competition, failing to share information and restricted by jurisdictional boundaries. The DEU developed a memorandum of understanding that was signed by all board members detailing many areas of the narcotic unit including the purpose of the unit, the agencies involved, the governing board, arrest powers, and the sharing of all assets. Formed in 1998 with 11 officers and a prosecutor, it currently is comprised of 24 officers, 2 secretaries, 5 prosecutors and a chemist. The DEU answers to an 8-member board made up of the department heads of the police agencies and the prosecutor's office.

The board members have equal authority and meet on a monthly basis with the DEU supervisors. The DEU has three commanders and the remaining officers are titled investigators and carry equal authority within the unit regardless of their rank in their home agency.

Results have been overwhelming. The DEU pooled all the resources from all existing narcotic units and began to grow with each success. The pooling of resources left the DEU with a surplus of body wires, cameras, tape recorders, and additional manpower. With the additional manpower saturating specific areas, the DEU has successfully shut down the problematic distribution points commonly known throughout the county as the hill, the block, or the valley. The DEU's criminal cases and asset forfeiture have tripled compared to the two years prior to the formation of the unit, and the cases have been consistent for the past seven years. The unit averages 150 charges a month and is quickly approaching 1100 monetary seizures since the inception of the unit. The assets are shared with all law enforcement agencies resulting in better equipment for the narcotic officers. The DEU has seized thousands of grams of crack, cocaine, and methamphetamine. The DEU has seized three tractor trailer trucks, one with 500 pounds of marijuana, another with 1000 pounds of marijuana, and the last with 2000 pounds of marijuana. The DEU has led the state in marijuana eradication. Currently, our main problem is split between crack and cocaine, with marijuana close behind. The DEU has responded to a dozen methamphetamine labs over the last three years, and even though methamphetamine is on the rise, our current problem is more importation than domestic labs. The DEU is also responsible for prostitution, gambling, alcohol violations, and often assists with fugitives, robberies, and murder. Violent crime is down nationwide for various reasons, and in

York County, the drop in violent crime can be directly attributed to the efforts of the narcotic unit.

Federal agencies are not assigned to the DEU; however, the DEU works closely with the U.S. Attorney's Office and all federal law enforcement agencies. The DEU regularly works with ATF through Project CeaseFire, South Carolina's implementation of President Bush's Project Safe Neighborhoods. Through CeaseFire, ATF and the DEU have seized more than 455 firearms and have had many successful prosecutions. The prevalence of guns in drug cases also provides other avenues for the DEU to take advantage of the strict federal gun control laws. The unit also works with Customs(ICE) on immigration and other initiatives. The DEU has also worked closely with DEA for many years on drug cases. The DEU works with the local agents of the FBI daily and the partnership has been particularly effective in the federal prosecution of drug conspiracies. Recently, the DEU and FBI teamed with the U.S. Attorney's Office to prosecute the murder of a cooperating source. Two of the three men charged knocked on the victim's door. When he came to the door, they shot and killed him in front of his family. The third defendant (who had sold drugs to the source) waited in the getaway car while the murder took place. Federal prosecution allowed the drug conspiracy and the murder to be prosecuted as one multiple-count case. Two of the defendants pled guilty and a third was convicted after a trial.

The DEU is built on the simple principal of working together and sharing resources with all law enforcement agencies. Our experience has been that cooperation breeds cooperation, with an end result of more effective law enforcement that is expected not only from the general public but also from ourselves. ■

Aggravated identity theft—mandatory imprisonment

by Kevin McDonald,
Chief Assistant U.S. Attorney
Criminal Division General Crimes Section
U.S. Attorney's Office - Columbia

In July 2002, Betty Smith's (*not the victim's real name*) purse was stolen while she shopped at a Charlotte store. The thief made off with a small amount of money, but also took her credit cards, checkbook, and driver's license. Smith quickly cancelled her credit cards and notified her bank of the stolen checks. However, she couldn't prevent her identification information from being used unlawfully. Over the next 30 months, a female posing as Smith opened a checking account at a South Carolina credit union, opened a post office box in Rock Hill, obtained credit cards from North Carolina businesses, purchased and financed a car, and even worked at a staffing agency, all by using Smith's name, date of birth, and social security number. Thanks to the combined efforts of Lieutenant Andy Robinson of the Fort Mill Police Department, Detective Jennifer Lafortune of the Charlotte-Mecklenburg Police Department, and Columbia-based Postal Inspector John Kehoe, Rock Hill resident Rosalyn Neal was arrested and indicted in federal court on eight counts of fraud and false statements. Meanwhile, Smith continues in having to convince creditors that she is not responsible for charges and expenses incurred in her name.

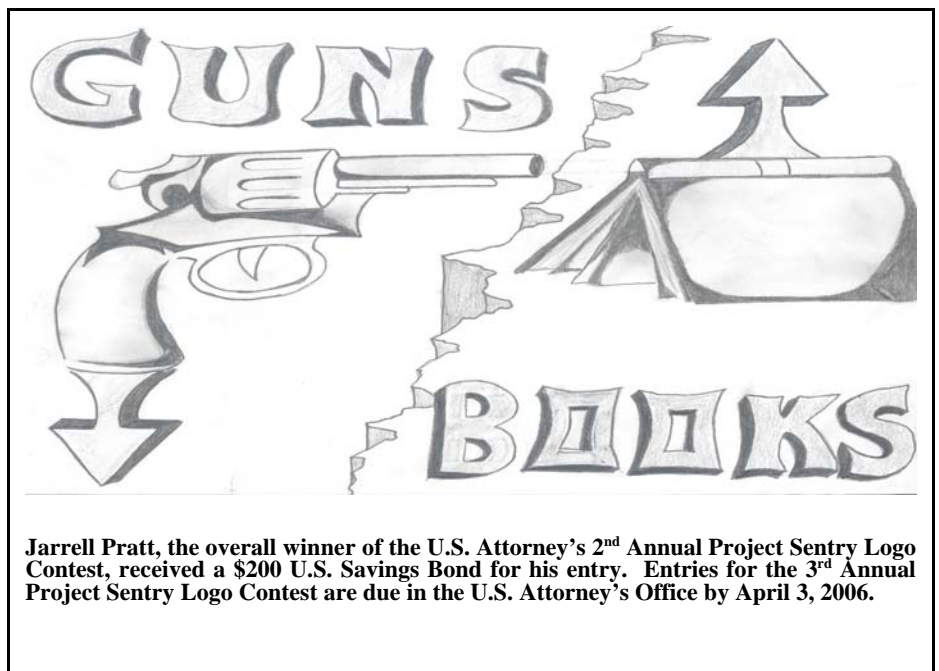
Neal is one of the first federal defendants in South Carolina to be charged under Title 18, United States Code, Section 1028A, entitled "Aggravated Identity Theft." The statute was added to the federal criminal code as part of the Identity Theft Penalty Enhancement Act, and mandates a two-year prison sentence consecutive to any other sentence imposed for associated fraud or false statements. The Act was in response to Congressional recognition of the growing problem of identity theft: a 2003 survey conducted by the Federal Trade

Commission found that nearly 10 million Americans were victims of some sort of identity theft. With the passage of Section 1028A, law enforcement officers can seek federal prosecution resulting in certain imprisonment for particular identity thefts that occurred after, or continued beyond, July 15, 2004.

Section 1028A prohibits the knowing and unlawful transfer, possession, or use of a means of identification of another person during and in relation to another felony offense set forth in the statute. The term "means of identification" is defined as "any name or number that may be used, alone or in conjunction with any other information, to identify a specific individual," and includes any name, social security number, date of birth, driver's license, credit card, and even an individual's bank account number. More than 100 felony offenses are referenced in Section 1028A, and include (1) embezzlement or theft of public money or federally-insured funds; (2) false personation of citizenship; (3) false statements in the acquisition of firearms; (4) frauds and false claims against the

interests of the federal government, including false statements made to federal law enforcement agents; (5) other frauds, including bank fraud, mail fraud, and wire frauds, such as those involving the internet; (6) various immigration offenses; (7) frauds and false statements in obtaining passports and visas; (8) fraud in obtaining customer or credit information; and (9) false claims or statements regarding social security numbers.

Under Section 1028A, an individual who presents a stolen driver's license as identification as part of a bank fraud scheme will receive a minimum of two years in federal prison, as will a person who uses without authorization another's name and social security number to apply for the purchase of a pistol. As many frauds often come under federal jurisdiction, state and local agents should consult with federal officers in cases involving identity theft. Should a case qualify for federal prosecution under Section 1028A, the victim can receive some satisfaction with the certain confinement of the perpetrator in federal prison. ■



Jarrell Pratt, the overall winner of the U.S. Attorney's 2nd Annual Project Sentry Logo Contest, received a \$200 U.S. Savings Bond for his entry. Entries for the 3rd Annual Project Sentry Logo Contest are due in the U.S. Attorney's Office by April 3, 2006.

Operation Checkmate – the only way to go

by Robert H. Bickerton
Criminal Division – Narcotics Section
Office of U.S. Attorney - Charleston

Beginning in May 2000, law enforcement officers in Dorchester County began receiving information describing Shawn Dantzler, a/k/a “Jock,” as a trafficker who obtained kilogram quantities of cocaine and then distributed multi-ounce quantities of crack and cocaine to a number of mid-level dealers in the Summerville area. With his organization established in the rural Knightsville area on the outskirts of Summerville, Dantzler used trusted family members and friends to distribute crack and cocaine on a daily basis. Along with Torrian Smalls, “Big T,” who was identified as a lieutenant in the organization, Dantzler’s other close associates included Edward “Duke” Ellington, and several of Dantzler’s cousins including Horace Campbell, a/k/a “Horry,” Anthony Grant, Alonzo Dantzler and Alphonzo Dantzler.

In order to investigate, prosecute and dismantle this drug trafficking network, Operation CHECKMATE was approved as an OCDETF investigation in April 2004. Agencies participating in the investigation were DEA and the local DEA Task Force (DEATF), United States Immigration and Customs Enforcement (ICE), the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), the Summerville Police Department (SPD), the First Circuit Solicitor’s Office and the U. S. Attorney’s Office.

Like many drug dealers, Dantzler was known to display a little “bling” and demonstrated a somewhat flashy life style. Over a several year period he acquired a number of nice vehicles including a Corvette, a 1999 Lexus, a 1999 Lincoln Navigator and a 2002 745i BMW. In order to hide his assets, Dantzler purchased several of these vehicles in the name of his 70-year-old grandmother. Dantzler lived in an upscale mobile home that was part of a family tract of land consisting of four parcels. The trailer was surrounded by a privacy fence

and protected by surveillance cameras.

By mid-2004 Dantzler and several of his associates were demonstrating a careful approach to drug trafficking that helped insulate them from detection by investigating agents. For instance, in early 2003 Dantzler had agreed to sell several ounces of crack to an informant (CI) working with the local DEATF, but decided not to proceed with the transaction after learning that the customer (the CI) was planning to bring a person Dantzler was not expecting. His intuition was correct; the third party was an undercover DEATF officer. In May 2004 another CI attempted to make a controlled buy from Smalls who initially sounded like a willing seller. Unfortunately, Smalls never called back because Smalls had learned that the CI had been arrested and was possibly cooperating with law enforcement. Among other problems, surveillance was difficult because of the nature of the areas where members of the organization lived and operated.

At that point, DEA Group Supervisor Mark Willis and the investigating agents knew that the only way to effectively investigate and prosecute Dantzler and his co-conspirators was to apply for a Title III “wiretap” (a court authorized interception of wire communications). As commonly understood, a wiretap is a technique that can be used as a last resort when other methods have failed to achieve the goals of the investigation. No one was more aware of the need to use a wiretap than the Summerville officers who worked with the DEA Task Force-SGT T. J. Peterson, CPL William Driggers, CPL Stephen Young and detectives Branden Rhodes, Harold Robinson and Dwayne Peters. Task Force Officers Young and Rhodes were designated as the lead agents and they partnered with the U. S. Attorney’s Office in an effort to obtain approval for a wiretap.

Court approval for the wiretap was obtained and agents began intercepting wire communications over Small’s cell phone on September 28, 2004. The wiretap was used in conjunction with

other investigative tools to (1) identify various co-conspirators, including Dantzler’s sources; (2) to acquire evidence concerning Dantzler’s methods of operating; and (3) documenting drug proceeds and assets obtained through the illegal venture. Because the first wiretap documented Smalls connection with Dantzler, and others, agents then obtained authorization to tap Dantzler’s cell phone.

Through the wiretaps, agents learned that Horace Campbell had his own independent source for shipments of up to 10 kilos of cocaine. Smalls was clearly documented as a Dantzler lieutenant who supervised one or more mid-level dealers. On one occasion, suspecting that a delivery of cocaine had occurred and some of the purchase price had been paid, Lloyd Tabb was stopped by Troopers with the South Carolina Highway Patrol ACE Team and more than \$12,800 in cash was seized.

The investigation culminated on November 19, 2004, when 11 federal search warrants were executed and Dantzler, Horace Campbell, Smalls, Ellington and two others were arrested. Along with federal agents from DEA, ICE and ATF, more than 50 officers from local law enforcement agencies were involved with the execution of those warrants. Among those represented were the SPD, Dorchester County Sheriff’s Office, Charleston County Sheriff’s Office and the North Charleston Police Department. Approximately 2780 grams of cocaine and 285 grams of crack were seized that day, along with five firearms, more than \$11,000 in cash, scales, cutting agents, relevant records and almost a dozen vehicles. The strength of the evidence against Dantzler, Campbell, Smalls and Ellington was enhanced because of the drugs and/or guns found at their residences or places under their control.

The investigation has been a resounding success for all of the agencies involved. Thirty-one defendants have been charged to date
(Continued on page 9)

Project CeaseFire used to prosecute Sumter club shooting

by Todd Hagins, Asst. U.S. Attorney
Criminal Division-Violent Crimes Section
U.S. Attorney's Office - Columbia

As party goers filed outside the Lion's Pit Nightclub on March 14, 2004, they were followed by Muttaquin Abdullah. The brooding man was a bouncer hired to keep the customers safe, but in his hand was a loaded Hi-Point .45 caliber semiautomatic pistol. The next several moments would change the life of not only Abdullah and those around him, but also those who were not even there.

Around 3:30 a.m., the sounds of laughter and conversation were punctuated by seven distinctive claps of gunfire. Panic ensued. Moments later the throng of people lapsed into silence as the bewildered crowd began to form over the lifeless body of David Way, a young man whose life was cut tragically short by a single gunshot wound to the back of the head.

As confusion reigned outside the club, inside the club's bathroom Abdullah calmly reloaded his pistol. Then he beat a hole in the ceiling, hid the gun inside, and washed his hands. Abdullah left the bathroom, then as one witness described it, walked to where the other club workers were standing and "waited to get paid."

Local law enforcement were able to quickly zero in on Abdullah thanks to several individuals coming forward to point him out as the shooter. Within minutes Captain Tommy Baron of the Sumter County Sheriff's Office found a .45 caliber cartridge in Abdullah's jacket pocket and Sergeant James Atkinson found the .45 caliber firearm in the ceiling.

Over the next several months additional breaks occurred. SLED Agent Vello Paavel was able to ballistically match the spent rounds outside the club to the firearm found in the ceiling. The case was further solidified when SLED Agent Diane Bodie found a fingerprint on the murder weapon. Sergeant Jamie Turner, the lead investigator, had a solid case, but remained unsure whether a jury would convict Abdullah of murder or of some lesser charge.

As the question "who was the shooter" was answered other questions lingered. How do you bring solace to the victims' families? How do you honor the memory of David Way? How do you bring justice to a man who is convinced he will get away with murder?

To answer those questions, Johnny Gasser, then chief of the violent crimes section at the United States Attorney's Office, and Solicitor Kelly Jackson began to talk. Solicitor Jackson had heard AUSA Gasser speak often of *Project CeaseFire*, a joint local-state-federal approach to aggressively enforce firearm laws. Once the two realized Abdullah's record included two violent felonies and one drug trafficking charge they knew, if convicted federally, he would be facing a mandatory minimum sentence of fifteen years as an Armed Career Criminal for simply possessing the firearm. A sentence of life would still be possible if the federal government could convict him then convince a judge at sentencing that Abdullah used the pistol to commit a murder.

The United States Attorney's Office indicted Abdullah on one count of being a felon in possession of a firearm in January 2005. In October now United States Attorney Johnny Gasser and Assistant United States Attorney Todd Hagins presented the case over a 3-day period to a jury sitting in Columbia.

The case reached a crescendo when the defendant took the stand and claimed that he was inside the bathroom fixing a commode during the shooting. United States Attorney Johnny Gasser used ten minutes of cross-examination to highlight numerous inconsistencies in that story. By the end of cross-examination, the defendant had shown his hair-trigger temper on three occasions earning him further rebukes from the judge and disapproving glares from the jurors.

In all, the jury took twenty-five minutes to return a guilty verdict. At sentencing, AUSA Todd Hagins will argue for a life sentence for the defendant for using the firearm to murder David Way and attempting to murder Merrell McBride.

Through the ordeal, *Project CeaseFire* has continued to press an aggressive prosecution against a violent career criminal. In doing so, it has helped to put a guilty man behind bars, but has also sought to provide comfort to the victims' families and to honor the memory of David Way. ■

Operation Checkmate

(from page 8)

and there have been 23 guilty pleas. Three others, including Horace Campbell, were convicted after a two-week trial that ended September 6, 2005. Campbell and one of his co-defendants at trial face the very real likelihood

of receiving life sentences. Seven others are awaiting trial. Among those who have pled guilty are Dantzler, two of his sources, Smalls, Ellington, a number of mid-level dealers, the son of a retired federal law enforcement

agent, a middle-class business owner, and Smalls' grandmother. Since November 19, 2004, eight pieces of real estate have been subjected to forfeiture proceedings and additional firearms have been seized. ■

Asset forfeiture = restitution for victims

By Deborah B. Barbier, Beth Drake,
and Marvin Caughman
Assistant U.S. Attorneys
U.S. Attorney's Office - Columbia

The United States Attorney's office has been working to ensure that crime victims are receiving court ordered restitution through the use of forfeited assets. Assistant U.S. Attorney Bill Day, of Florence, working in conjunction with the Asset Forfeiture Unit and the Financial Litigation Unit in Columbia, has put together an excellent way to obtain restitution for the victims of a doctor's fraudulent health insurance and Medicaid claims through the use of federal forfeiture statutes.

During the spring and summer of 2003, AUSA Bill Day successfully prosecuted David Michael Woodward of Myrtle Beach and a number of Dr. Woodward's employees for selling the Schedule II prescription drug Oxycodone and engaging in a scheme and artifice to defraud Medicare/Medicaid and other health insurers. Day, with assistance from AUSAs Deborah Barbier and William Witherspoon, followed Woodward's conviction by guilty plea with the successful prosecution of other physicians and employees of Woodward at his Myrtle Beach pain clinic. With the assistance of the Asset Forfeiture Unit, AUSA Day was able to obtain the forfeiture of many of Woodward's assets, including his Myrtle Beach office building. The building was sold, and AUSA Day was able to obtain a preliminary order of forfeiture disposing of Dr. Woodward's interest in the building and other assets seized by the Drug Enforcement Administration during the course of their investigation.

After all other claimant's interests in Woodward's assets, such as lending institutions and judgment creditors, had been settled, AUSA Day was able to obtain an order from U.S. District Judge C. Weston Houck using Dr. Woodward's assets

to pay restitution to the victims of the doctor's fraudulent scheme. The order of restitution paid out:

- Tricare - \$5,540.49 (*paid in full*);
- Blue Cross Blue Shield - \$66,488.27 (*paid in full*);
- S.C. Attorney's General's Office, Medicaid Fraud Control Unit - \$225,168.75 (*paid in full*); and
- Department of Health and Human Services, Health Care Financing Administration/CMS, Division of Accounting- recovered \$340,678.00 of \$377,314.55 (*balance \$36,636.45*).

Other forfeitures remain pending while co-defendants appeal, but the U.S. Attorney's office anticipates full recovery by the remaining victims.

The District Court of South Carolina was also able to fashion a restitution remedy using forfeiture in the case of *United States v. William M. Bryson*. AUSAs Mark Moore and Regan Pendleton obtained jury verdicts against William M. Bryson in January 2002 on two complicated white-collar indictments which included money laundering. The jury returned two forfeiture money judgments against Mr. Bryson totaling \$800,000.00. The indictments stemmed from Mr. Bryson having bilked an elderly widow with dementia out of her fortune. Mr. Bryson, an accountant by trade who was substantially younger than his victim, promised to marry his victim and took control of her money and property. He even went so far as to physically hide the victim from her relatives.

At sentencing, the District Court imposed a forfeiture money judgment totaling \$800,000, and ordered that Mr. Bryson forfeit his interest in certain identified real property and brokerage accounts

to satisfy these money judgments. The Court also ordered that these assets be liquidated, and that the net proceeds be used to satisfy the restitution order of the Court.

In order to hide his assets, the Defendant Bryson had transferred both real property and brokerage accounts into the names of third-party relatives, including transferring the title to certain assets into the name of his son. After Bryson was sentenced, the Asset Forfeiture Unit in conjunction with the lead AUSAs initiated steps to extinguish third-party claims to the property. After protracted litigation at both the district court and appellate level, the Court extinguished the claimed interest of the son, Leland Bryson.

To date, the Court has paid to the victim's estate over \$700,000. It is expected that the Court will be able to make full restitution in the case. Unfortunately, the victim died prior to trial.

Financial Litigation Unit AUSA Susan Z. Hitt has said that restitution of the victims of crime is one of the principal responsibilities for prosecutors. She said recently, "Using the forfeiture statutes to secure assets for restitution to victims of crime is one of the best things we have done. AUSAs and investigators involved in these cases deserve a lot of credit." ■



Defendant Bryson built this home for his son with the victim's assets. The property sold for \$224,000.

Intelligence *Quick Start* training available to SC law enforcement

Eighty South Carolina law enforcement officers will have an opportunity to participate in Michigan State University's Intelligence *Quick Start* Training on March 23-24, 2006, at the Holiday Inn City Centre at USC in Columbia. This unique training program is designed to fulfill *Recommendation 1 of the National Criminal Intelligence Sharing Plan* that states "every law enforcement agency, regardless of size . . . should develop an intelligence capacity." Hence, this training program provides the information, policies, and resources to accomplish this goal.

Topics to be covered in the training include: National Criminal Intelligence Sharing Plan; intelligence process; intelligence-led policing; gaining access to federal intelligence products; information sharing issues and processes (including Fusion centers); obtaining a security clearance; intelligence records (including 28 CFR Part 23); obtaining no-cost, secure e-mail for all agency personnel; civil rights and liability related to the intelligence function; community partnerships for information collection; and emerging issues and trends in law enforcement intelligence.

There is no cost for the two-day training, which will be hosted by SLED, S.C. Department of Public Safety, and the U.S. Attorney's Office. However, seating is limited and agencies will be limited to two people per agency. Brochures and registration forms were mailed from the U.S. Attorney's Office to all law enforcement agencies in South Carolina in January 2006. You may register online at <http://intellprogram.msu.edu>, or by faxing the registration form directly to Michigan State University. For more information, contact MSU at (517)355-6649 or by e-mail: intell@msu.edu. ■

2005 Strom Thurmond Awards for Excellence in Law Enforcement



United States Attorney Johnny Gasser hosted the annual LECC Strom Thurmond Awards for Excellence in Law Enforcement Luncheon at Fort Jackson Officers Club on January 13, 2006. During the luncheon four South Carolina law enforcement officers received awards on behalf of the Strom Thurmond Foundation. These awards were established in 1983 to recognize law enforcement officers whose performances demonstrate the highest ideals in law enforcement. Pictured from left to right are: J. Strom Thurmond, Jr., former United States Attorney and son of the late Senator Strom Thurmond; United States Attorney Jonathan S. Gasser; County Recipient - Captain J. Stan Smith, Richland County Sheriff's Department; City Recipient - Director Peter N. Frommer, Aiken Department of Public Safety; State Recipient - Lieutenant Doug Ross, SLED; Federal Recipient - Special Agent Janet J. Brown, IRS - Criminal Investigation; Honorable William W. Wilkins, Chief Judge for the Fourth Circuit Court of Appeals.

Recent and upcoming activities . . .

January 13, 2006 – 2004 Strom Thurmond Awards for Excellence in Law Enforcement Luncheon, Fort Jackson Officers' Club, Fort Jackson, SC

The 2005 Strom Thurmond Awards for Excellence in Law Enforcement were presented during a luncheon at Fort Jackson Officers' Club to four South Carolina law enforcement officers who have demonstrated the highest ideals of excellence in professional law enforcement.

January 25, 2006 – 7 Habits for Public Safety Professionals National Advocacy Center @ USC, Columbia, SC

Captain Stan Gragg of the Mount Pleasant Police Department, and a certified Franklin Covey Instructor through the Carolinas Institute of Community Policing, facilitated a class of 99 law enforcement executives on the 7 Habits for Public Safety Professionals. The class provided a comprehensive foundation for fostering change and developing trust and teamwork within a law enforcement organization. The LECC partnered with the Carolinas Institute for Community Policing and the USC Division of Law Enforcement & Safety to make this training available to South Carolina law enforcement.

February 27, 28, and March 1, 2, 2006

15th Annual Partnership for Safe Schools: Law Enforcement and Schools Seminars

Three one-day seminars, to be held in Charleston (February 27), Florence (February 28), Columbia (March 1), and Greenville (March 2), will focus on issues of mutual concern to both school personnel and law enforcement. Topics for this year's seminars include: A Critical Incident—What to do in the First 20 Minutes; Gangs in Schools—Trends and Prevention; What NLECTC-SC can do for Schools and Law Enforcement; and Internet Safety. Regional panels will share strategies and successful programs already in place in their schools and communities. Registration deadline for these seminars is February 21, 2006.

March 23-24, 2006

Michigan State University - Intelligence "Quick Start" Training, Holiday Inn City Centre @ USC, Columbia, SC

For more information about this class, see page 11.

(NOTE: As of February 3, 2006, this class was full; however, officers interested in attending should fax (517/355-6646) their training requests to Michigan State in order to be included on a waiting list for this session or to be considered for a possible session at a later date.

April 5-6, 2006

Worker Exploitation (Human Trafficking) and Civil Rights Seminar, Clarion Hotel, Columbia, SC

This seminar will address both human trafficking and civil rights training for law enforcement officers in South Carolina. The Human Trafficking and Slavery: Tools for an Effective Response segment (Day One) is a comprehensive training curriculum that provides a solid foundation for participants to address issues of human trafficking and slavery in various contexts where it might be encountered in the United States. The training is designed to answer such questions as: How do I know if someone is trafficked or enslaved? What should I do? How should I provide services? What is the role of law enforcement and what protections and benefits are available to victims under the Victims of Trafficking and Violence Protection Act (VTVPA) of 2000?

On the second day, South Carolina law enforcement officials will discuss the role of their agencies in Civil Rights investigations and

will share some of their practical investigative experiences. A local attorney will discuss legal issues regarding color of law, allegations of officer misconduct, supervisory liability, as well as trends in civil rights allegations, and other civil rights issues. This training is designed for Police Chiefs and Sheriffs, line officers, internal investigators, supervisory law enforcement officers, as well as social workers, victim-witness coordinators, and prosecutors.

May 9-11, 2006 --2006 Gatlinburg Law Enforcement Conference, Gatlinburg, Tennessee

Topics on the agenda for the 2006 Gatlinburg Law Enforcement Conference, sponsored by nine southeastern U.S. Attorneys' Offices include: Informant Handling; Project Safe Neighborhoods Search & Seizure; MS-13 Gangs; Music, Violence & Drugs; Anti-Terrorism; Eric Rudolph Case; Child Porn; School Safety; Mexican Drug Lords; Prescription Drugs; Methamphetamine and ICE. Registration information will be mailed in February 2006.

August 2006

15th LECC Narcotics Commanders School Columbia, SC

30 Narcotics commanders from across the state will be selected by the LECC Drug Subcommittee to attend this class which is designed to help narcotics supervisors manage a narcotics unit. Nomination requests will be mailed in late Spring and students will be selected in early June.

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